IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 12064 of 2007(J)

PETITIONER:

M/S.BROTHERS POLYMERS, REP. BY ITS MANAGING PARTNER, S.POLACHAN, THOTTUVA, KOOVAPPADY, ERNAKULAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:
----

1. KOOVAPPADY GRAMA PANCHAYATH, REP. BY ITS SECRETARY, OFFICE OF THE KOOVAPPADY GRAMA PANCHAYATH, KOOVAPPADY, PERUMBAVOOR, ERNAKULAM DISTRICT.

2. THE SENIOR ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, REGIONAL OFFICE, GANDHI NAGAR, KOCHI - 20.

BY ADV.SRI.M.K.CHANDRAMOHANDAS, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.12064 OF 2007

Dated this the 4th day of June, 2007

JUDGMENT

Petitioner seeks the following prayers:

i) issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to consider and dispose of the application submitted by the petitioner for the extension of license, pursuant to which Ext.P12 receipt was issued by the 1st respondent, forthwith;

ii) issue a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to issue appropriate order on the basis of the inspection held on 8-3-07, in pursuance to Ext.P9 proceeding;

iii) issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents not to interfere with the smooth functioning of the petitioner unit, until the 2nd respondent considers the extension of Ext.P5 order on the basis of the inspection already held on 8-3-07 or the subsequent inspections ought to be held.

. There was an earlier round of litigation in which Ext.P10 judgment was passed. Complaint of the petitioner is that no decision is taken pursuant to Ext.P10 even though an inspection was carried out. Petitioner was the 6th respondent in Ext.P10 judgment.

3. I heard the learned counsel for the Pollution Control Board also.

The writ petition is disposed of directing the second respondent to take a decision in the matter in accordance with law. if he has already heard the affected parties and if he has not heard the affected parties, after hearing the affected parties, within a period of one month from the date of receipt of a copy of this judgment. I leave open the contentions of the petitioner.

K.M.JOSEPH
JUDGE

sv.